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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/186,869	11/04/1998	KARL W. HASEL	216019-93	2377
7590 05/26/2004		EXAMINER		
Robert Sutcliffe, Esq.			FREDMAN, JEFFREY NORMAN	
Digital Gene Technologies, Inc. 11149 North Torrey Pines Road Suite 110			ART UNIT	PAPER NUMBER
			1637	
La Jolla, CA	92037		DATE MAILED: 05/26/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Communication Re: Appeal	09/186,869	HASEL ET AL.				
Sommania de la companya de la compan	Examiner	Art Unit				
	Jeffrey Fredman	1637				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
1. The Notice of Appeal filed on is not acceptable because:						
(a) lit was not timely filed.						
(b) the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).						
(c) the appeal fee received on was not timely filed.						
(d) the submitted fee of \$ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$						
(e)  the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.						
(f) a Notice of Allowability, PTO-37, was mailed by the Office on						
2. The appeal brief filed on is NOT acceptable for the reason(s) indicated below:						
(a)  the brief and/or brief fee is untimely. See 37 CFR 1.192.						
(b)  the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).						
(c) the submitted brief fee of \$ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$						
The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).						
3. ☑ The appeal in this application is DISMISSED because:						
(a)  the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.						
(b) \(\overline{\text{M}}\) the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.						
(c) Request for Continued Examination (RCE) un	nder 37 CFR 1.114 was filed or	ı				
(d)						
4. Because of the dismissal of the appeal, this application:						
(a) $oxed{oxed}$ is abandoned because there are no allowed claims.						
<ul> <li>(b) is before the examiner for final disposition become on the merits remains CLOSED.</li> </ul>	<ul> <li>(b) is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.</li> </ul>					
(c) is before the examiner for consideration of the to 37 CFR 1.114.	Jeffre <b>y/F</b>	redman Examiner				